REMARKS

Applicants have cancelled claims 9, 21, 33, 50, 52, and 54 and have amended claims 1, 13, 25, 49, 51, and 53 as set forth above. Applicants note with appreciation the Office's indication that claims 38, 40, and 42 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 1-2, 5-9, 13-1.4, 17-21, 25-26, 29-33, 37, 39, 41, 43-45, 49-54 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,490,579 to Gao et al. (Gao), claims 3-4, 15-16, 27-28, under 35 U.S.C. 103(x) as being unpatentable over Gao in view of US Patent No. 6,263,351 to Wolfe et al. (Wolfe), Claims 10, 12, 22, 24, :14, 36, 46-48 are rejected under 35 U.S.C.103(a) as being unpatentable over Gao in view of US Patent No. 5,920,866 to Crim et al. (Crim), and Claims 11, 23, 35 are rejected under 35 U.S.C.103(a) as being unpatentable over Gao et al. in view of US Patent No. 5,859,972 to Subramaniam et al. (Subramaniam).

The Office asserts Gao discloses: selecting one of a plurality of user input (i.e. Context field 366, Query field 364), stored electronic records search requests from a queued search database to execute next based upon one or more selection criteria (i.e. Subject Areas, col. 7, Lines 17-30, col. 8, line 58 to col. 9, line 18, col. 8, lines 47-57, col. 9, lines 31-59, Figs. 1, 3); executing the selected electronic records search request and retrieving at least one electronic record from at least one storage location during the executing (col. 8, lines 6-27); parsing the electronic records to convert one or more raw data sets into user selectable objects (col. 3, lines 20-35, col. 8, lines 6-27, col. 9, line 60 to col. 10, line 7, Fig. 5-step 518); and causing the user-selectable objects to be displayed (col. 9, line 60 to col. 10, line 7, Fig. 5-step 526).

The Office also asserts with respect to claims 9, 21, and 33 that Gao discloses: determining if at least one of a plurality of electronic records databases associated with each electronic records search request is accessible through a first or a second communication medium (col. 4, line 66 to col. 5, line 54, Fig. 1); and accessing the at least one electronic records database through the first or the second communication medium based on the

determination (i.e. information sources may include various web site and proprietary databases, col. 5, lines 38-39, Fig. 1).

The Office asserts Gao does not teach "the raw data sets comprise court case items or documents associated with a court case docket sheet," but asserts Wolfe teaches this limitation at col. 2, lines 17-4- col. 5. lines 54-65. Additionally, the Office asserts Gao does not disclose "the electronic records comprise results of an executed electronic court case records search request, at least one criterion used in formulating the electronic court case records search request and data related to at least one electronic court database associated with the electronic court case records search request," but asserts Wolfe teaches this limitation at col. 7, line 21 to col. 8, line 38.

The Office also asserts Gao does not teach ``the plurality of electronic record databases comprises at least one first electronic court database accessible through the first communication medium and at least one second electronic court database accessible through the second communication medium, " but asserts Crim teaches this limitation at col. 6, lines 39-54, col. 14, lines 22-47, col. 15, lines 19-24. Additionally the Office asserts Gao does not teach the electronic records search requests comprise court case docket sheet search requests," but asserts Crim teaches this limitation at col. 5, line 52 to col. 6, line 26, Fig. 3. Further, the Office asserts Gao does not teach "retrieving one or more hard-copy documents associated with a selected user-selectable object, " but asserts Crim teaches this limitation at col. 6, lines 1-26.

The Office asserts Gao does not teach "the first communication medium comprises a telephone dial-up modem connection," but asserts Subramaniam teaches this limitation at col. 5, line 67 to col. 6, line 3.

Gao, Wolfe, Crim, and Subramaniam, do not disclose or suggest, "determining which of two or more different types of communication medium can be used to access at least one of a plurality of electronic records databases associated with the selected one of the electronic records search request; retrieving instructions for accessing the at least one of a plurality of electronic records databases based on at least one of the determined types of communication medium which can be used to access the at least one of the plurality of electronic records databases; accessing the at least one the plurality of electronic records databases with the retrieved instructions" as recited in claims 1 and 25 or "at least one

processor executing a program of instructions for . . . determining which of two or more different types of communication medium can be used to access at least one electronic records database associated with the selected one of the electronic records search requests, retrieving instructions for accessing the at least one electronic records database based on at least one of the determined types of communication medium which can be used to access the at least one electronic records database, accessing the at least one electronic records database with the retrieved instructions" as recited in claim 13.

The Office has asserted that Gao discloses at col. 4, line 66 to col. 5, line 54 and in FIG. 1 determining if at least one of a plurality of electronic records databases associated with each electronic records search request is accessible through a first or a second communication medium and accessing the at least one electronic records database through the first or the second communication medium based on the determination (i.e. information sources may include various web site and proprietary databases. However, the Office's attention is respectfully directed to FIG. 1 and col. 5, lines 1-3 in Gao which merely discloses, "a user terminal 102 communicating with the Internet 100 via an Internet Service Provider or ISP 104 across a link 103 therebetween" and at col. 5, lines 26-30 in Gao which states, "A metasearch engine 162, such as is the subject of the present invention, is contained within and operated from a server 160, through which the ISP 104 operates across a link 105," but Gao does not disclose or suggest determining which of two or more different types of communication medium could be used to access one of the servers, retrieving instructions for accessing one of the servers based on the determination, and/or accessing the server based on the retrieved instructions. Similarly, none of the other cited references disclose or suggest these claim limitations.

The problem with accessing different records with different courts, is discussed on pages 2-3 of the above-identified patent application as set forth below:

> Heretofore it has been difficult for individuals to conveniently access court case records and retrieve the items or documents associated therewith. Individuals have been able to access some electronic court case records. For example, the PACER™ records retrieval service allows individuals to access Federal Court electronic court case records. However, once the electronic court case records are accessed, a cumbersome process ensues for actually retrieving the items or documents identified in the court case records. In particular, a document retrieval service is contacted to identify, purchase and request delivery of the items or documents identified in the court case records.

> For example, attorneys, paralegals, law clerks or law librarians who have had to access Federal Court records and retrieve documents in the nature of a specific docket sheet and corresponding items enumerated therein (e.g., complaints, pleadings or memoranda of law), are well aware of the series of inefficient, time-consuming steps involved in accomplishing the task. Many legal researchers are familiar with the process of logging-on to the PACER™ Federal Court records access service, conducting a court docket sheet search for a particular case they are interested in, printing the relevant docket sheet once found, and then communicating the information to the requester. The requester will then pour over the docket sheet to determine which of the identified court items or documents (e.g., pleadings, scheduling orders, etc.) are needed.
>
> The next step in this process often involves contacting a local or regional document retrieval service to request the full-text version of the specific court case items or documents available through their service. In order to ensure accuracy regarding the request, an additional step in the process involves faxing the document retrieval service the docket sheet clearly indicating the required items. As a follow-up, a telephone call is sometimes placed to the document retrieval service to confirm that they have indeed received the request, or sometimes to provide them with additional instructions.
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> Perhaps one of several reasons it has been difficult to provide individuals with the ability to conveniently access electronic court case records is that court databases are not always accessible through the same communication medium. For example, some court databases may be accessible only through dial-up connections while others, alternatively or in addition, may be accessible through the Internet. Moreover, retrieving items or documents associated with electronic court case records can be even more difficult. Electronic court case records may not always include markers that identify the location of the court items or documents within the records. Making matters worse, electronic court case records accessed from different court databases are not always stored in the same format. Moreover, since human beings input the electronic court case records, data inconsistencies are common even within a single electronic court case record. Thus, such indiscriminate court items or documents contained in the electronic court case records can be difficult to identify. (Emphasis added).

By way of example only, the present invention simplifies the access problem as disclosed on page 23 of the above-identified patent application:

> It should also be noted that the same court database (e.g., U.S. Supreme Court), may be accessed and searched through a number of ways, including the Internet, a dial-up connection or the National Locator Service ("NLS"), for example. Thus, for each court database, search server maintains a record in COURT database 570 storing information particular to the court database in light of its access and search method. For example, if

> the U.S. Supreme Court database was accessible and searchable through a dial-up connection or an Internet connection, search server 110 would maintain two court database records in COURT database 570, including a record for the court database accessible through the Internet and a record for the court database accessible through a dial-up connection. Moreover, each of the records in COURT database 570 relating to the same court database are associated with each other for subsequent retrieval.
>
> At step 430, search server 110 queries COURT database 570 to retrieve log-in ID 573, phone numbers 574(a-d) and log-in keyboard sequence 575(a-c) for the particular court database, for example. At step 450, search server 110 determines whether the court database is available for searching. A court database may be unavailable for searching for a number of reasons, including court database network access lines being down, court database telephone lines being down, court database systems being down or the court database having limited access times, for example. If the court database is available, search server 110 determines whether the court database can be searched through the Internet at step 490. If the court database can be searched through the Internet, at step 510, an Internet court database is accessed and searched in accordance with FIG. 17 and corresponding description, found further below.

Accordingly, with the present invention, as described as described on page 4 of the above-identified patent application:

> [U]sers . . . [can] . . . search and access a number of different court databases, regardless of whether the court databases are accessible through a dial-up connection or through another network connection, such as the Internet.

In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1, 13, and 25. Since claims 2-8, 10-12, 37, 43, and 48 depend from and contain the limitations of claim 1, claims 14-20, 22-24, 39, 44, and 47 depend from and contain the limitations of claim 13, and claims 26-32, 34-36, 41, 45, and 48 depend from and contain the limitations of claim 25, they are distinguishable over the cited references and patentable in the same manner as claims 1, 13, and 25.

Additionally, Gao, Wolfe, Crim, and Subramaniam, do not disclose or suggest, "wherein the one or more search selection criteria comprises at least one of how many times an examined electronic records search request has failed, how busy one or more databases associated with the search data are, how many phone lines are available to access the one or more databases associated with the search data, a status of the examined electronic records

search request, how many attempts have been made to execute the examined electronic records search request, when the examined electronic records search request was last updated, and when any activity associated with the examined electronic records search request last took place" as recited in claim 49, "wherein the one or more search selection criteria comprises at least one of how many times an examined electronic records search request has failed, how busy one or more databases associated with the search data are, how many phone lines are available to access the one or more databases associated with the search data, a status of the examined electronic records search request, how many attempts have been made to execute the examined electronic records search request, when the examined electronic records search request was last updated, and when any activity associated with the examined electronic records search request last took place" as recited in claim 51, or "wherein the one or more search selection criteria comprises at least one of how many times an examined electronic records search request has failed, how busy one or more databases associated with the search data are, how many phone lines are available to access the one or more databases associated with the search data, a status of the examined electronic records search request, how many attempts have been made to execute the examined electronic records search request, when the examined electronic records search request was last updated, and when any activity associated with the examined electronic records search request last took place" as recited in claim 53.

The Office has asserted that with respect to dependent claims 50, 52, and 54, Gao teaches one or more search selection criteria comprises an age of the examined electronic records search request, but has not identified in Gao or any of the other cited references any of the other cited search criteria. Accordingly, Applicants have amended claims 49, 51, and 53 as set forth above to incorporate the selection criteria of claims 50, 52, and 54 without the search criteria comprising an age of the examined electronic records search request and have cancelled claims 50, 52, and 54. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 49, 51, and 53.

The Office has objected to claims 38, 40, and 42 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the foregoing amendments and remarks with respect to claims 1, 13, and 25 from which claims 38, 40, and

42 depend, respectively, no further amendment is believed to be necessary and these claims are believed to be in condition for allowance. Accordingly, the Office is respectfully requested to reconsider and withdraw this objection.

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Respectfully submitted,

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